



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/582,273

02/15/2007

Eberhard Benz

095309.57812US

4803

23911 7590 12/31/2008
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

BLACK, MELISSA ANN

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

12/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,273	Applicant(s) BENZ ET AL.	
	Examiner MELISSA A. BLACK	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19, 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Amendments and remarks filed 06 October 2008. Claims 13-19, 22-32 are pending in the application and rejected as set forth below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 13- 18, 19, 22-24 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over by US Pat # 5,941,597 to Horiuchi et al in view of US Pat # 5,398,989 to Winter et al.

Horiuchi et al disclose a door pillar (1) for a supporting frame structure of a vehicle body, comprising: an upper section which extends from a vehicle roof (See Figure 1) as far as a vehicle side edge, a lower section which extends from the vehicle side edge in the direction of a vehicle floor (5a), a pillar body (12, 13, and 16) which extends at least in the upper section and is made of iron or an iron alloy (Column 3, lines 4-8, column 5, lines 3-14), and a pillar base (11) which is connected fixedly thereto, extends at least in the lower section, and is made of light metal or a light metal alloy (Column 3, lines 44-49). Re Claim 14, Horiuchi et al disclose the pillar base (11) extends exclusively in the lower section (Near 15), wherein the pillar body (12, 13, 16) at least partially extends into the lower section, and wherein the pillar body (12) is connected in the lower section to the pillar base (See Figure 3). Re Claims 15 and 26, Horiuchi et al disclose the pillar body (12) extends from the vehicle roof as far as the vehicle side edge, into the lower section, or as far as the vehicle floor. Re Claims 16, 27 and 28, Horiuchi et al disclose the pillar

Art Unit: 3612

body (12, 13, and 16) has a roof connection zone which is configured for forming a fixed connection to at least one of the vehicle roof and a roof member (see top of 13). Re Claims 17, 29, 30, and 31, Horiuchi et al disclose the pillar base (11) has a floor connection zone which is configured for forming a fixed connection to the vehicle floor (5a). Re Claims 18 and 32 Horiuchi et al disclose the pillar base (11) has at least one structure connection zone (15) which is configured for forming a fixed connection to a part of the supporting frame structure. Re Claim 22, Horiuchi et al disclose that the pillar body is at least welded to the pillar base (column 3, lines 52-54). Re Claim 24, Horiuchi et al disclose that the pillar is an A-pillar.

Horiuchi et al disclose that the pillar body (12, 13 and 16) is configured as multi-part metal component, the pillar base is configured as a single-part thin-walled part and that the pillar base is connected onto the pillar body.

Horiuchi et al fails to disclose that the pillar body is made of sheet-metal and that the pillar base is cast and that the two parts are cast together.

Winter et al teaches that a pillar is made by both casting and sheet-metal (Column 4, lines 39-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to make the pillar base and body from sheet-metal or casting as taught by Winter et al on the device of Horiuchi et al in order to achieve the desired strength of the pillar and since they are well known processes in the art for producing vehicle parts.

Re Claim 23, Horiuchi et al, as modified, fail to disclose that the pillar body in the lower section at least partially covers the pillar base on the outside thereof.

Art Unit: 3612

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have the pillar body attach to the outside of the pillar base for it is a mere relocation of part and requires only routine skill in the art. Pillar body is a reinforcing part and it is an obvious expedient in the art to place reinforcements on both sides of a pillar as best suited for the design.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat # 5,941,597 to Horiuchi et al. as modified by Winter et al in view of US Pat # 6,378,933 to Schoen et al.

Horiuchi et al as modified fails to disclose that the pillar is an A pillar in a convertible.

Schoen et al teaches the use of an A pillar in a convertible.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use the pillar of Horiuchi et al in a convertible as taught by Schoen et al in order to protect the occupant in a chance of a roll over.

Response to Arguments

5. Applicant's arguments filed 06 October 2008 have been fully considered but they are not persuasive. Regarding the amendments to independent claim 13, Horiuchi et al in view of Winter teaches that the base pillar is capable of being cast and capable of being a single part, it would have been obvious to one with ordinary skill in the art at the time the invention was made to make it one piece, since it has been held that forming in one piece an article that which has formerly been formed in two pieces and put together involves only routine skill in the art.

Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA A. BLACK whose telephone number is (571)272-4737. The examiner can normally be reached on M-F 7:00-3:30 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis H. Pedder/
Primary Examiner, Art Unit 3612

/M. A. B./
Examiner, Art Unit 3612
12/22/08